



BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN
Commissioner - Chairman
RENZ D. JENNINGS
Commissioner
CARL J. KUNASEK
Commissioner

IN THE MATTER OF THE APPLICATION)
OF U S WEST COMMUNICATIONS, INC.)
FOR APPROVAL OF THE AGREEMENT)
FOR SERVICE RESALE WITH MAX-TEL)
COMMUNICATIONS, INC.)

DOCKET NOS. T-01051B-98-0151
T-03532A-98-0151

DECISION NO. 60968

ORDER *Arizona Corporation Commission*
DOCKETED

JUN 19 1998

DOCKETED BY *fil*

Open Meeting
June 17 and 18, 1998
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On March 23, 1998, U S WEST Communications, Inc. (USWC) filed an Application for approval of an Agreement for Service Resale between USWC and Max-Tel Communications, Inc. (Max-Tel). The term of the Agreement runs from the date of Commission Approval until June 1, 2000. Both parties must commence renegotiations no later than 135 days prior to the expiration date. The Agreement governs the terms and conditions under which USWC will resell its services to Max-Tel.

2. The Telecommunications Act of 1996 (The 1996 Act or Federal Act) directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The Federal Act provided for interconnection and resale agreements to be concluded by voluntary agreement. This interconnection Agreement between Max-Tel and USWC was voluntarily negotiated, without resort to arbitration.

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3. Under terms of the Agreement, USWC will make certain local exchange services available to Max-Tel at prices contained within the Agreement and under the terms and conditions of the Agreement. Generally, USWC residential services will be made available to Max-Tel for resale at a 12 percent discount. Business Services will be available at an 18 percent discount.

4. According to the Federal Act and State Rule, the Commission must approve voluntarily-negotiated interconnection and resale agreements if their provisions are non-discriminatory and in the public interest. USWC has asserted that the provisions of the USWC/Max-Tel Agreement are non-discriminatory and in the public interest.

5. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the public interest. The Agreement does not discriminate against a telecommunications carrier not a party to the Agreement. USWC is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

6. Since there are no grounds for rejection of the Agreement pursuant to Section 252(e)(2) of the 1996 Act, Staff recommends that the Commission approve the resale Agreement between USWC and Max-Tel.

CONCLUSIONS OF LAW

1. USWC is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution.

2. The Commission has jurisdiction over Max-Tel and over the subject matter of the application.

3. The Commission, having reviewed the Application and Staff's Memorandum has determined that the Resale Agreement negotiated between USWC and Max-Tel meets the requirements for approval of negotiated agreements under Section 252(e)(2) of the 1996 Act.

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4. The Commission maintains jurisdiction over the subject matter of the Agreement and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the Arizona Constitution Statutes, Commission Rule, and the Federal Act and the Rules promulgated thereunder.

ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the interconnection Agreement between USWC and Max-Tel filed with the Commission on March 23, 1998.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

James H. Irvin
COMMISSIONER - CHAIRMAN

COMMISSIONER

Chad K. Kunkel
COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 19 day of June 1998.

Stuart R. Brackney
for JACK ROSE
Executive Secretary

DISSENT _____

RTW:GS:djg/MS

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